

AMENDED IN SENATE APRIL 30, 2014

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1155

Introduced by Senator Lieu

February 20, 2014

An act to *amend Section 2621.5 of, and to add Section 2623.5 to, the Public Resources Code, relating to geological hazards.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1155, as amended, Lieu. Geological hazards: approval of projects.

Under the Alquist-Priolo Earthquake Fault Zoning Act, prior to approving a project within an earthquake fault zone, a city or county is directed to require the preparation of a geologic report, subject to certain exceptions. The act authorizes cities and counties to, among other things, establish stricter policies and criteria, and impose and collect specified additional fees. ~~Existing law prohibits a structure for human occupancy from being placed across the trace of an active fault.~~ *Existing law requires the approval of a project by a city or county to be in accordance with policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist.*

This bill would require a city or county, prior to approval of a project *in certain locations*, as described, to determine that either the project is in compliance with existing law relating to ~~the location of structures for human occupancy near active faults~~ *the policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist*, as provided, or the project is not located on an ~~active-trace fault~~ *fault trace*, as determined by a geological site investigation. By expanding the duties of local officials in the process

of approving a project, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2621.5 of the Public Resources Code is*
2 *amended to read:*

3 2621.5. (a) It is the purpose of this chapter to provide for the
4 adoption and administration of zoning laws, ordinances, rules, and
5 regulations by cities and counties in implementation of the general
6 plan that is in effect in any city or county. The Legislature declares
7 that this chapter is intended to provide policies and criteria to assist
8 cities, counties, and state agencies in the exercise of their
9 responsibility to prohibit the location of developments and
10 structures for human occupancy across the trace of active faults.
11 Further, it is the intent of this chapter to provide the citizens of the
12 state with increased safety and to minimize the loss of life during
13 and immediately following earthquakes by facilitating seismic
14 retrofitting to strengthen buildings, including historical buildings,
15 against ground shaking.

16 (b) This chapter is applicable to any project, as defined in
17 Section 2621.6, ~~which~~ *that* is located within a delineated
18 earthquake fault zone, upon issuance of the official earthquake
19 fault zones maps to affected local jurisdictions, except as provided
20 in Section 2621.7, *and to any project described in Section 2623.5.*

21 (c) The implementation of this chapter shall be pursuant to
22 policies and criteria established and adopted by the board.

23 ~~SECTION 1.~~

24 *SEC. 2.* Section 2623.5 is added to the Public Resources Code,
25 to read:

26 2623.5. (a) This section shall apply to a project located ~~where~~
27 ~~(1) faults that have broken, or are likely to break, the ground~~
28 ~~surface have been mapped, (2) sufficient geologic or seismic data~~

1 ~~exists indicating that the faults are generally accepted to be active~~
2 ~~faults, as defined in subdivision (a) of Section 3601 of Title 14 of~~
3 ~~the California Code of Regulations, and (3) earthquake fault zone~~
4 ~~maps, pursuant to this chapter, have not been completed. in both~~
5 ~~of the following:~~

6 *(1) An affected local jurisdiction described in subdivision (b)*
7 *of Section 2621.5.*

8 *(2) Within 500 feet of a major active fault, or 300 feet of a*
9 *well-defined minor fault, as identified in published reports or maps*
10 *by the California Geological Survey, the United State Geological*
11 *Survey, in peer-reviewed journals published by academic or*
12 *professional institutions and organizations, or based on geological*
13 *reports submitted to the local agency, where (A) sufficient*
14 *geological or seismic data exists indicating that the faults are*
15 *generally accepted to be active faults, as defined in subdivision*
16 *(a) of Section 3601 of Title 14 of the California Code of*
17 *Regulations, and (B) earthquake fault zone maps, pursuant to this*
18 *chapter, have not been completed or updated in the last five years*
19 *with respect to those faults.*

20 *(b) A city or county shall determine, prior to approval of a*
21 *project in a location described in subdivision (a), either of the*
22 *following:*

23 ~~(1) If the project is located within 500 feet of a major active~~
24 ~~fault, or 300 feet of a well-defined minor fault, as identified in~~
25 ~~published reports or maps by the California Geological Survey,~~
26 ~~the United States Geological Survey, or in peer-reviewed journals~~
27 ~~published by academic or professional institutions and~~
28 ~~organizations, that the project is in compliance with subdivision~~
29 ~~(a) of Section 3603 of the California Code of Regulations. The~~
30 ~~project is in compliance with Section 2623.~~

31 *(2) The applicant has performed, or caused to be performed, a*
32 *geological site investigation that determined that there is no active*
33 ~~trace fault~~ *fault trace beneath the project.*

34 *(c) This section does not prevent or limit the authority of a city,*
35 *county, or city and county to establish policies and criteria that*
36 *are stricter than those established by this chapter where those*
37 *policies further the goal of subdivision (a) of Section 2621.5.*

38 ~~SEC. 2.~~

39 *SEC. 3.* No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

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